



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street  
San Francisco, CA 94105-3901

CERTIFIED MAIL  
No. P 350 642 902

13 December, 2001

Roger J. Hirl  
Chief Executive Officer  
Occidental Chemical Corporation  
5005 LBJ Freeway  
Dallas, TX 75244

Dear Mr. Hirl,

The United States Environmental Protection Agency (EPA) requests your assistance in identifying potential sources of perchlorate contamination in soil, groundwater or surface water.

With recent improvements in analytical capability for low concentrations of perchlorate, this chemical has been discovered in the drinking water supplies of communities in California, Arizona, Nevada and Utah. Many of the confirmed sites where perchlorate has been released to the environment have been associated with operations manufacturing, testing or disposal of solid propellants for the military or NASA (e.g., Aerojet, NASA-JPL, Lockheed Propellants, Alliant/Hercules, Rocketdyne). Among the most serious known release sites are perchlorate manufacturing facilities in Henderson, Nevada.

Perchlorate has the potential for disrupting thyroid hormone activity in humans, and the long-term effects of low concentrations in drinking water are undetermined. EPA established a provisional reference dose range of 4 to 18 parts per billion in drinking water in 1995, and California adopted an interim action level of 18 ppb for perchlorate in drinking water in 1997. Perchlorate salts (such as ammonium perchlorate, potassium perchlorate, sodium perchlorate) are quite soluble in water, exceedingly mobile in aqueous systems and can persist for many decades under typical groundwater and surface water conditions.

Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC Section 9604(e) and Section 3007 of the Resource Conservation and Recovery Act, 42 USC Section 6927, we are seeking information on specific locations throughout the United States where uses of perchlorate-containing chemicals may have resulted in the release of perchlorate to soil or water. Due to the persistence of perchlorate in soil and water, we request information on the history of manufacture and usage of perchlorate-containing chemicals.

Specific questions are enclosed as Attachment A. In responding to this Information Request, please indicate for each answer the number of the question to which it corresponds.

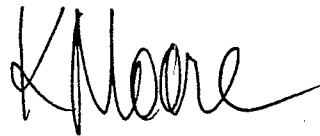
While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. There may also be criminal penalties under 18 USC Section 1001 for false, fictitious, or fraudulent statements or representations.

You may consider some of the information EPA is requesting to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, please advise EPA as to which documents or portions of documents you believe are confidential according to the procedures identified in Attachment B.

We would appreciate your response within the next 30 days. Please contact Kevin Mayer, Superfund Division, at (415) 972-3176 for technical questions or Lewis Maldonado, Office of Regional Counsel, at (415) 972-3926 if you have any legal questions about this request or to discuss the time frame for providing the information.

Thank you for your continued cooperation in addressing the environmental releases of perchlorate.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Moore', with a stylized, cursive script.

Kathi Moore  
Section Chief  
Superfund Site Cleanup Branch

CC: Alan Mack, Esq., Associate General Counsel, Occidental Chemical Corporation  
Jon Josephs, US EPA Region 2  
Kevin Willis, US EPA Region 2  
Elmer Akin, US EPA Region 4  
Debra Tellez, US EPA Region 6

Two Attachments, A and B

## Attachment A

Occidental Chemical Corporation is herein defined as "the Company" and includes all parent, subsidiary and predecessor corporations involved in the manufacture and sales of perchlorate-containing compounds, including but not limited to the Hooker Electrochemical Company, Hooker Chemical Corporation, Hooker Chemicals and Plastics, Niagara Alkali Chemical Company and Oldbury Electrochemical Company.

### Questions Concerning the former Company facilities in Niagara Falls, New York, and Columbus, Mississippi

- 1) What year did production of perchlorate-containing chemicals begin at each of these plants?
- 2) What entities have owned and/or operated the plants? Please provide the dates when ownership or operating control changed.
- 3) Which specific perchlorate-containing compounds were manufactured?
- 4) What was the total annual production of perchlorate-containing compounds at each of these plants? What was the annual production of each specific perchlorate containing compound?
- 5) What were the end uses of the perchlorate-containing compounds (solid rocket fuel, pyrotechnics etc)?
- 6) What was the approximate percentage of production sold for each of the end uses?
- 7) What was the method of disposal for perchlorate-containing wastes generated at these plants? Where were perchlorate-containing wastes discharged or disposed (e.g., receiving water, landfill location or open burn location)?

### Questions Concerning Consumers

- 8) Please provide the name and address of each entity to whom perchlorate-containing compounds were shipped each year from the former Company facilities (more than 500 pounds in any year) .

### Questions Concerning former Company Production Facilities and Other Producers

- 9) Please identify the locations of other perchlorate-containing chemical production facilities owned, operated or previously owned or operated by the Company in the United States.
- 10) Please provide answers to the above questions (1 through 8) for any other Company facilities producing or previously producing perchlorate-containing compounds.

Attachment A (continued)

11) EPA has been informed that production of large quantities of perchlorate-containing compounds in the US since 1940 is limited to Kerr-McGee in Henderson, NV; WECCO in Cedar City, UT (formerly the PEPCON facility in Henderson, NV); Hooker Chemical in Niagara Falls, NY, and Columbus, MS; Pennsalt (Pennwalt) in Portland, OR; Western Electro Chemical in Los Angeles and GFS in Columbus, OH. Please confirm, to the best of your knowledge, whether this information is accurate. If you do have knowledge of other perchlorate-containing compound production plants in the US, please provide the names, locations and years of operation.

## ATTACHMENT B:

### CONFIDENTIAL INFORMATION

You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

P 350 642 902

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <b>Roger J. Hirl, CEO, Occidental Chem</b>	
Street & Number <b>5005 LBJ Freeway</b>	
Post Office, State, & ZIP Code <b>Dallas TX 75244</b>	
Postage	\$
<b>Certified Fee</b>	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	\$
Postmark or Date	

PS Form 3800, April 1995

**INSTRUCTIONS:**

Complete items 1 and/or 2 for additional services.

Complete items 3, and 4a & b.

Print your name and address on the reverse of this form so that we can return this card to you.

Attach this form to the front of the mailpiece, or on the back if space is not permit.

Write "Return Receipt Requested" on the mailpiece below the article number.

The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

**Roger J. Hirl  
Chief Executive Officer  
Occidental Chemical Corporation  
5005 LBJ Freeway  
Dallas TX 75244**

5. Signature (Addressee)

*12/18/01*

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

**P 350 642 902**

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS complete?

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.